

**REMARKS**

This paper is responsive to the nonfinal Office Action dated August 7, 2007. Applicant submits the following:

**1. Summary of the Examiner's Position**

(a) Applicant thanks the Examiner for allowing claims 13-17.

(b) Claims 1-3, 5-10, and 12 are rejected under 35 U.S.C. § 112, 2d paragraph, because the terms "sheet-like," "bristles (wires)," "roll-like," and "to the exterior" in claims 1-2, 5, and 7-10 require further clarification, and the terms "the brush unit," "the tips," and "the center of the projected side" in claims 2-3, 6, and 12 lack antecedent basis.

(c) Claims 2-3, 5-6, 10, and 12 are allowable contingent on overcoming the above § 112 rejection.

(d) Claims 7-9 are rejected under 35 U.S.C. § 102(b) as being anticipated by International Patent Publication No. WO/99/66815 ("Tomiyaama").

(e) Claims 1, 4, and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,890,921 ("VanClief, Jr.") in view of Tomiyama.

**2. Rejection Under 35 U.S.C. §§ 102(b) and 103(a)**

Claims 1, 4, 7-9, and 11 stand rejected under either § 102(b) or § 103(a). Applicant cancels these claims from the application. This cancellation must not be construed as an implied admission that Applicant finds these rejections proper. Applicant has simply decided to prosecute claims 2-3, 5-6, 10, and 12-17 at this time.

**3. Rejection Under 35 U.S.C. § 112, 2nd paragraph**

The term “wires” placed in parentheses next to the term “bristles” is redundant. Paragraph [0088] describes element 82 as “... and having a plurality of bristles (wires) 82 projecting in radial directions from the hub 81 ...” and paragraph [0094] defines this element as simply “... the tips of bristles 82 of the rotary brush 11 are trimmed to uniform length by the abovementioned cutter 16 ....” Applicant has amended claims 2, 5, and 10 to remove the parenthetical term “wires.” No new matter is introduced by way of this amendment and the term “bristles” remains unchanged.

The term “roll-like” preceding the term “rotary brush” is also redundant. Paragraph [0130] provides that “FIG. 30 is a perspective view showing a roll toothbrush 560 fitted with a rotary brush 512 that has been obtained as described above.” Applicant has amended claim 2 to remove the term “roll-like.” No new matter is introduced by way of this amendment and the term “rotary brush” remains unchanged.

Applicant has amended the grammatical structure of the expression “taking out the brush unit, together with the core pipe, to the exterior of the pedestal” in claim 2 and replaced it with “taking the brush unit, together with the core pipe, out of the pedestal.” No material change is made by way of this amendment. The meaning of the overall expression is improved.

Next, Applicant has removed the term “sheet-like” from the expression “sheet-like brush unit.” The abstract of the application provides that “... a sheet-like brush unit (8) having a hub (81) at the center thereof and having a

large number of bristles (wires) (82) projected from the hub toward the radial outer side, holdingly inserting a core pipe (9) into the hub (81) of the brush unit (8) ...” (emphasis added). Element 8 in the abstract is referred as a sheet-like brush unit and a brush unit. By way of this change to claims 2, 5, and 10, Applicant has also clarified the fact that the term “the brush unit” in line 16 of claim 2 is already given antecedent basis in the claim.

Finally, the word “the” of “the tips of the bristles” in claim 3 is deleted to give proper antecedent basis to the plural “tips,” and the word “the” is replaced in claim 12 with the word “a” to give proper antecedent basis to the term “projected side.” No new subject matter is added by way of these amendments.

### **Conclusion**

Based on the above amendments and remarks, Applicant submits that claims 2–3, 5–6, 10, and 12 are now in condition for allowance and that claims 13–17 remain in condition for allowance. The Commissioner is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No. 22-0259 or any payment in connection with this communication,

including any fees for extension of time, that may be required. The Examiner is invited to call the undersigned if such action might expedite the prosecution of this application.

Respectfully submitted, /

By

Alain Villeneuve  
Reg. No. L-215

Dated: November 7, 2007

Vedder, Price, Kaufman & Kammholz  
222 N. LaSalle Street, Suite 2600  
Chicago, Illinois 60601-1003  
(312) 609-7850